IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 65 OF 2007

MR. LINO SANTANA FERNANDES, (SINCE DEC.) THROUGH L'RS. ... Appellant

Versus

MR. EDMUNDO COSME JOAO AGNELO EUSTAQUIO DA CUNHA AND 2 ORS., ... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar, Advocate for the appellant.
Mr. A. R. Kantak, Advocate for the respondents No.1 and 2.

Coram:- R. S. MOHITE, J.

Date:- 29th September, 2007

P.C.

This is a second appeal against the concurrent findings of facts of two Courts below. The suit was filed by the original plaintiff, inter alia, for a decree to remove the wall and W.C. said to have been illegally constructed and retained in the plaintiff's property surveyed under No.176/18 of Calangute Village. Both the Courts have, on the basis of the evidence before them, come to the finding that the plaintiff has failed to prove that the construction is on his property. The matter involves only question of facts. There is no substantial question of law. Hence, the second appeal is dismissed.

R. S. MOHITE, J.

ssm.